

**STATE OF NORTH CAROLINA  
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, June 2, 2008 in the Commissioners Board Room, Avery County Administrative Complex, Newland, N.C.

Members Present: Kenny Poteat, Chairman; Susan Pittman, Vice-Chair; Scott Heath  
Phyllis Forbes entered at 3:46 p.m.

Members Absent: Dan South

**Call To Order**

Chairman Poteat called the meeting to order at 3:30 p.m.  
Scott Heath led prayer.

**Public Comments**

There were no public comments.

Chairman Poteat stated he had gotten a telephone call from Fin Horton concerning E911 addressing in the Land Harbor community and the County Manager would probably receive a telephone call regarding this.

**Board Appointments**

**Avery Library Board and AMY Library Board**

The County Manager stated that the Avery Library Board currently has two vacancies and the Avery-Mitchell-Yancey Regional Library Board had one vacancy. Ms. Nancy Morrison has agreed to serve on the local Avery Library Board and Ms. Kate Gavenus has agreed to serve on both the Avery Library Board and Avery-Mitchell-Yancey Regional Library Board. Dr. Daniel Barron, AMY Library Director, advised that the terms were up to three years and that every year for the next 2 years there will be one person taken off the board and that person replaced so there will be a rotation every 3 years.

**Motion by Susan Pittman and second by Scott Heath to appoint Ms. Nancy Morrison to the Avery Library Board. Motion unanimous with those in attendance. (3-0)**

**Motion by Scott Heath and second by Susan Pittman to appoint Ms. Kate Gavenus to the Avery Library Board and to the AMY Regional Library Board. Motion unanimous with those in attendance. (3-0)**

**Tax Assessor Report – Phillip Barrier**

**Real and Personal Releases**

Phillip Barrier, Tax Assessor, stated that the real and personal releases for May 2008 were County Tax Releases \$55.97, Fire Tax Releases \$4.03. Mr. Barrier advised that in a previous administration citizens were given 1968 Taylor Mobile Homes and there was one that had been overlooked and this has now been taken care of.

**Motion by Susan Pittman and second by Scott Heath to approve the Real and Personal Releases as presented for May 2008. Motion unanimous with those in attendance. (3-0)**

**Motor Vehicle Releases**

Mr. Barrier advised that there were three Motor Vehicle Releases which were County tax \$19.74, Fire Tax \$2.03 and City Tax \$2.48.

**Motion by Susan Pittman and second by Scott Heath to approve the Motor Vehicle Releases as presented for May 2008. Motion unanimous with those in attendance. (3-0)**

Chairman Poteat asked the final number of those that came before the Board of Equalization and Review. Mr. Barrier said it was approximately 40.

**The Hunger and Health Coalition, Inc.- Compton Fortuna**

Handout was given to each Board member about The Hunger and Health Coalition by Compton Fortuna. Ms. Fortuna spoke briefly about the Hunger and Health Coalition. Ms. Fortuna stated that the Hunger and Health Coalition provided pharmacy and food assistance for the residents of Watauga, Avery and Ashe Counties for the past 10 years. Ms. Fortuna advised that the Hunger and Health Coalition provided prescription medications for people with acute and chronic diseases and also provided food assistance with boxes of food distributed and also weekly bags of nutritious snack food given to Head Start centers for the children to take home on the weekends. Ms. Fortuna stated that as the economy worsens more and more people are coming to the Hunger and Health Coalition. Chairman Poteat questioned if Avery County still has a mobile unit. Ms. Fortuna answered that there was not a mobile unit available in Avery County because of fuel costs. The Chairperson for the Hunger and Health Coalition spoke about funding of The Hunger and Health Coalition. Floyd Domer, Head of the Pharmacy for the Hunger and Health Coalition, spoke about the pharmacy. Mr. Domer stated that there were 1,053 visits annually from Avery County residents to the Hunger and Health Coalition. Mr. Domer advised that the requirement is that the applicants be 200% of the poverty level or below to qualify for the pharmacy benefits and the food. Chairman Poteat thanked the members from The Hunger and Health Coalition for being at the meeting today.

**Tax Collector – Mary Daniels**

Mary Daniels, Tax Collector, stated that the total collections for the month of May were \$171,684.64. Collection rate is 97%.

**Motion by Phyllis Forbes and second by Scott Heath to approve the Tax Collector Report as presented. Motion unanimous with those in attendance (4-0).**

**Farmland Preservation Ordinance – Gerald Arthur**

Gerald Arthur, member of the Agriculture Advisory Committee, came before the Board to speak about the Farmland Preservation Ordinance. Mr. Arthur stated that there was a voluntary program adopted in May 1992 but was never followed through with. Mr. Arthur stated that this Farmland Preservation Ordinance was taken from a model that the state has provided to the Agriculture Advisory Board. Agriculture Advisory Board members present were Bob Johnson, Ellis Aycock, Anne Coleman, Jack Wiseman, Jr., and Gary Edwards. Mr. Arthur stated that a grant has been applied for from the Agriculture Development Trust Fund and the Board of Commissioners had agreed last year to a matching fund. Mr. Arthur advised there are 64 counties in the state of North Carolina working on the Farmland Preservation Ordinance. Chairman Poteat questioned if this was a voluntary program. Mr. Arthur stated if a farm is signed up under the voluntary program the farm can be withdrawn at any time; if a farm is signed up in the enhanced program, the farm must stay in the program for 10 years. Every farm that is listed under this program must go through conservation easements, said Mr. Arthur. This ordinance is recorded in the Register of Deeds and if the property is to sell it would still stay a farm in the enhanced program stated Michaelle Poore, County Attorney. Mr. Arthur stated that there needed to be a minimum of 5 acres of horticulture land, 10 acres of agriculture land, or 20 acres of forestry land for the Farmland Preservation Ordinance and also the farm must qualify for the present use valuation. Phillip Barrier, Tax Assessor, advised that the present use valuation is to protect the family farm. Mr. Arthur stated that the voluntary program and the enhanced program were totally voluntary and no person is forced to participate in this program. The County has been subdivided into 5 regions and there is a board member that represents each region, said Mr. Arthur, and it does not matter how many farms sign up in the regions. The program will work through the Agriculture Extension office and the Soil and Water Conservation office. Mr. Arthur stated that the grant that has been applied for will help provide signs for the farms to help identify that a farm is a part of the Farmland Preservation program.

Discussion regarding the Farmland Preservation Ordinance. The County Attorney stated there was not in place right now a way of notifying that a farm is on the Farmland Preservation program but there could be possibly an overlay on the mapping to show that a farm is in this program. Jerry Moody, Agriculture Extension Director, advised that one of the main points of the Farmland Preservation Ordinance is the computerizing of the records and that this would help give “teeth” to the Ordinance. The County Attorney stated that the Ordinance contains an article that states if a governmental entity is looking into condemning a piece of property and if that property is participating in the Farmland Preservation Ordinance then a public hearing would have to be held with a 30 day notice required. The County Attorney advised she just wanted to make the Board aware of this article. The County Attorney stated that this Ordinance did not require a public hearing but if it was voted on today then there would have to be another vote on June 16, 2008 because there was not a full board voting on this Ordinance. Chairman Poteat stated that he did not have a problem with voting on the Ordinance today. Phyllis Forbes advised that she did not have a problem with voting on the Ordinance today in light of the fact that there would be two votes on this issue and would give time for feedback from the public. Chairman Poteat stated that the press could include in their article in the newspaper that there would be a second vote on the Farmland Preservation Ordinance if any of the public wanted to speak regarding this.

**Motion by Scott Heath and second by Phyllis Forbes to approve the Farmland Preservation Ordinance as is before the Board to replace the previous Farmland Preservation program of 1992. Motion unanimous by those in attendance (4-0).**

Scott Heath stated that he took ordinances very seriously. Mr. Heath advised that he believed we needed to preserve our farmlands and give our farms a tax break as far as the present use value is considered. Mr. Arthur stated that this Ordinance is to protect the farmer and our farms. Mr. Arthur advised the next step in the program is a Farmland Protection Program and an outside person would have to be hired to do this and hopefully the grant will help pay for this.

**County Manager Updates – Robert Wiseman**

Robert Wiseman, County Manager, stated there were four individuals who are on the Region D Development Corporation and that the Board needed to decide at the next meeting to reappoint these individuals or reappoint someone else. The County Manager said this is a very important board of directors that partners with lending institutions and small business associations in making available small business association loans. The County Manager stated that there are 4 people from Avery County on the board of directors these being Tina Trice, Robert Wiseman, Tommy Burleson and Bill Close.

**Workman’s Compensation**

The County Manager stated that the Worker’s Compensation premiums for Avery County went up 56% for the upcoming year. This increase has necessitated the County looking at other options instead of the NCACC pool. The County Manager stated that the Finance Officer asked Bill Burleson from Cardinal Insurance to give a quote for the Worker’s Compensation Insurance.

Bill Burleson, Cardinal Insurance, spoke regarding Worker's Compensation. Mr. Burleson stated it is required by the State that any entity that employees 3 or more employees that Worker's Compensation be provided. Mr. Burleson advised that Worker's Compensation can be obtained through a private insurance carrier or through the NCACC pool. The County currently has Worker's Compensation through the NCACC pool. There are three separate pools through the NCACC; Worker's Compensation, property and liability insurance, and health insurance, said Mr. Burleson. Mr. Burleson advised that the County experience modification is at 40% right now because of issues that have happened in the past and the County is paying a 40% higher rate than what the manual rate is. In addition to that, this year the County has another factor being tacked on which is the assigned risk additional premium and that is another 40% that is being tacked on top of what the County's rates are. Mr. Burleson stated that the County can buy insurance in the standard insurance market and have the State assign an insurance carrier for worker's compensation. Mr. Burleson said that the County could get rid of the experience modification by going to a private insurance carrier because the experience modification is only with the NCACC pool and the County can start with manual rates which will hold for 3 years and then after 3 years there will be an experience rating again. Mr. Burleson stated that the County needed to look into risk management and trying to control the claims for worker's compensation. Mr. Burleson advised if the County pulled out of the NCACC pool there could still be a possibility in the future because of the County being part of the NCACC pool that the County could be subject to an assessment even though they were out of the pool.

#### **House Bill 2097**

The County Manager stated he had been on the telephone with Representative Phillip Frye and with the legal counsel of the NCACC and informed them that the Board was not happy with people in the Eastern part of the state trying to rescind the local revenue option.

**Motion by Phyllis Forbes and second by Scott Heath to approve a Resolution opposing House Bill 2097. Motion unanimous with those in attendance (4-0).**

#### **Banner Elk Child Development Center**

The County Manager stated that at the last meeting there were some people before the Board that wanted to lease the Banner Elk Child Development Center. The County Manager advised that it would appear that in order to operate the building as a child development center would require renovations to meet the existing code. The previous child development center was grandfathered in as the codes changed. The County Manager said that there was some research done on the status of daycare centers in Avery County and of the 6 operating daycares there is not one that is filled to capacity. The County Manager advised that the probability of 2 child development centers operating in Banner Elk would probably spell disaster for both of the centers because of the decrease in the young children population. The County Manager referred to an aerial photo showing the restricted parking at the child development center. The County Manager recommended to have the child development center property appraised and, according to general statutes, offer the property for sale. The County Manager stated an inventory has been done of fixtures in the building which will be used in the Green Valley substation and also there is a sufficient security system that could be utilized by the County at some point.

Consensus by the Board to approve the County Manager to get an appraisal of the Banner Elk Child Development Center.

#### **New Banner Elk School Property**

The County Manager stated there has been some interest in a portion of the property where the new Banner Elk School will be located. The County Manager advised that he had talked with Mr. Jeff Jaynes and the architectural firm was contacted and the architects did not see any benefit that this portion of the property would have to the school property. Chairman Poteat advised that he had went over on Sunday and looked at the piece of property and it was a beautiful lot and very sellable. The County Manager stated there was one complicating factor in this piece of property which is a strip of property on the left side of the road which would probably be in the County's best interest to retain ownership to that strip of property because of the possibility of widening of the road. The County Manager recommended that an appraisal be done on this piece of property to see what kind of value is placed on that property.

Consensus by the Board to approve the County Manager to get an appraisal of the portion of property of the New Banner Elk School Property.

#### **Jail Design/Consultant**

The County Manager advised that Beeson, Lusk and Street are not experienced in confinement facilities. The County Manager stated that hiring a consultant who is an expert in the field of jail design to work as the County's representative would be in the best interest of the County. The County Manager reported that Todd Davis, jail consultant from Brennan Consulting and Training, was interviewed and this company is very experienced in state of the art jail equipment and the confinement codes. The County Manager stated that this would help in the layout of the facility. Discussion regarding the jail consultant. Chairman Poteat asked if there was an architect that specialized in jail construction. The County Manager answered that Beeson, Lusk and Street were hired for the three phase project; that being extension of the courthouse, renovation of the annex and construction of the jail. Phyllis Forbes stated she believed a consultant that would be representative of the Board and answered to the Board would be best to alleviate problems that have happened in other counties with jail construction.

**Motion by Phyllis Forbes and second by Scott Heath to employ Brennan Consulting and Training as consultants for the new jail. Motion unanimous with those in attendance (4-0).**

**Tentative Budget**

The County Manager stated that the balanced tentative budget was placed in the Clerk's office today for public inspection.

Martha Hicks asked if the track at the Avery High School had been looked at to make sure the foundation was adequate. The County Manager stated that someone had looked at the Avery High Track and there was no spider webbing or severe cracking of the asphalt.

Phyllis Forbes left at 5:20 p.m. for another board meeting.

**Finance Officer Report – Tim Greene**

**Budget Amendment #**

Tim Greene, Finance Officer, stated that the Avery County Sheriff's Department has received a Department of Crime Control & Public Safety grant for Domestic Violence Intervention in the amount of \$55,121.00 and Avery County will contribute 25% of the total or \$13,780.00 and this is already in place in this budget.

**Motion by Susan Pittman and second by Scott Heath for a budget amendment of \$55,121.00 to enable to continue the Department of Crime Control & Public Safety Grant for Domestic Violence Intervention. Motion unanimous by those in attendance (3-0).**

**Budget Amendment #**

The Finance Officer stated that in this year's budget the Avery Turf and Track was budgeted for \$760,000 and the project has started so there needs to be a budget amendment to transfer from the Capital Reserve Fund to the General Fund. The Finance Officer advised that the Base Bid and Alt 1 and Alt 3 were accepted and adding the architect fees and engineering fees the total of \$743,150 needs to be transferred and that would leave \$16,850.00 that can be used for the track.

**Motion by Scott Heath and second by Susan Pittman to transfer from the Capital Reserve Fund \$743,150.00 to the General Fund. This money is to be placed in the Avery County School's Capital Outlay Line Item. Motion unanimous by those in attendance (3-0).**

**County Attorney Report – Michaelle Poore**

The County Attorney, Michaelle Poore, stated there was no pending business at this time.

**Staff Reports and Requests**

**Home and Community Care Block Grant – R.D. Daniels**

R.D. Daniels, Director for Senior Services, reported on the Home and Community Care Block Grant. Mr. Daniels stated that the upcoming fiscal year 2008/2009 showed a difference in the budget from 2007/2008 which was an increase of \$1,049.00. Discussion regarding the Home and Community Care Block Grant.

**Motion by Susan Pittman and second by Scott Heath to approve the county funding for Home and Community Care Block Grant for 2008/2009 fiscal year. Motion unanimous with those in attendance (3-0).**

**Approval of Minutes**

**Motion by Susan Pittman and second by Scott Heath to approve the April 29, 2008 Tri-County Meeting with Mayland Community College; May 1, 2008 Budget Workshop; May 5, 2008 Regular Meeting. Motion unanimous with those in attendance (3-0).**

**Agenda Consent Items**

Chairman Poteat commented on the letter of appreciation from Mr. Charles Lanier regarding Avery Transportation.

**Upcoming Meetings**

The County Manager stated that the Fire Association is requesting a meeting with the Avery County Board of Commissioners. Chairman Poteat stated the meeting with the Fire Association would be on June 16, 2008 immediately following the regular meeting.

**Adjourn**

**Motion by Susan Pittman and second by Scott Heath to adjourn this meeting at 5:45 p.m. Motion unanimous with those in attendance (3-0).**

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**Kenny Poteat, Chairman  
Avery County Board of Commissioners**

**ATTEST:**\_\_\_\_\_  
Cindy Turbyfill, Clerk to the Board